



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

**Respondent**

**AND**

Ms S Inker

City Linen Services UK Ltd  
In administration

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**HELD AT** Birmingham **ON** 28<sup>th</sup> May 2019

**EMPLOYMENT JUDGE** Richardson

### Representation

**For the Claimant:** in person **For the Respondent:** no appearance

## JUDGMENT

**The judgment of the Tribunal is that**

1. The claimant's claim of unfair dismissal is well founded. The respondent is ordered to the claimant the sum of £22,486.50 by way of basic compensatory and awards.
2. The claimant's claim of unlawful deduction from wages under S23 Employment Act 1996 is well founded. The respondent is ordered to pay the claimant the sum of £18,484.97 in respect of unpaid wages and commission.
3. The claimant's claim for unpaid holiday pay is well founded. The respondent is ordered to pay the claimant the sum of £1660.02.

4. The claimant's claim of breach of contract is well founded and the respondent is ordered to pay the claimant the sum of £1,824.80 by way of notice pay.
5. A breakdown of sums due is attached a Annex A.
6. The Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996 apply.

Signed by \_\_\_\_\_

Employment Judge Richardson  
Signed on 9<sup>th</sup> June 2019

Judgment sent to Parties on

— 10.06.2019\_\_\_\_\_

ANNEX A

**Ms S Inker v City Linen Services UK Limited in administration**

**Basic award**

The claimant's date of birth: 30/12/1957

Age at the date of termination: 60

Employed between 1<sup>st</sup> April 2013 and 25<sup>th</sup> July 2019

Number of years employed 5 years

Gross weekly wage £519.23

Statutory maximum weekly wage £508

5 x 1 ½ x £508 =

**£3,810.00 (A)**

**Compensatory award**

**Prescribed element** (loss of wages to date of assessment)

Net average wage of £421 per week

Date of dismissal 25<sup>th</sup> July 2018

Date of commencement of new employment 1<sup>st</sup> April 2019

34 weeks @ £421.00 net per week = £14,314.00

Increase under S124A ERA at 25% = £ 3,578.50

**Prescribed element**

**£17,892.50 (B)**

**Compensatory award - Non prescribed element**

Loss of benefits (Car) - net £ 1,700.00

Loss of statutory industrial rights £ 350.00

£ 2050.00

Increase under S124A ERA @ 25% = £ 512.50

£2,562.00

S 38 Employment Act 2002 Schedule 5

4 weeks x £508 =

£2,032.00

Total non prescribed element

**£4,594.00 (C)**

TOTAL COMPENSATORY AWARD (B+C)

**£22,486.50**

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**Unlawful deduction from wages under  
s23 Employment Rights Act 1996 *unpaid  
commission (gross)***

26.10.17	3456.97
26.11.17	1625.77
26.12.17	2118.09
26.01.18	2000.28
26.02.18	1129.00
26.3.18	<u>596.21</u>
	£10,926.32

Net (less 1/3<sup>rd</sup> for tax and NIC £7211.37) £7,211.37

***Unpaid salary – net per month***

26.1.18	1824.80	
26.2.18	1824.80	
Less payment	500.00	
26.3.18	1824.80	
Less payment	500.00	
26.4.18	1824.80	
26.05.18	1824.80	
Less payment	500.00	
26.6.18	1824.00	
27.7.18	1824.00	
Total unlawful deduction from wages		£11,273.60

***Unpaid holiday pay under  
S30 Working Time Regulations 1998***

18.2 days holiday @£91.21 net  
per day = £1,660.02

***Notice pay - breach of contract  
Under Article 4 of Employment Tribunals (Extension  
Of Jurisdiction (E&W) Order 1994***

1 – 31<sup>st</sup> August 2018 net £1,824.80

**TOTAL MONETARY CLAIMS**

**£21,969.79**

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**GRAND TOTAL OF AWARD**

**£48,266.29**

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RECOUPMENT – Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996

(A) Total of Basic Award and Compensatory awards (A +B+C) £26,296.50

(B) Prescribed element £17,892.50

(C) Period of prescribed element from 25<sup>th</sup> July 2018 to 1<sup>st</sup> April 2019 (D)

Excess of grand total over prescribed element £8,404.